

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Karl R. Kennedy et al.

Serial No.: 10/717,078

Filed: November 19, 2003

For: AN INSTRUMENT PANEL HAVING CONCEALED SWITCHES

Attorney Docket No.: LEAR 03781 PUS

Group Art Unit: 3616

Examiner: Jacob Y. Choi

TRANSMITTAL OF AMENDED APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed herewith:

1. Copy of Notification of Non-Compliant Appeal Brief; and
2. Amended Appeal Brief (37 C.F.R. § 41.37). The Status of the Claims

section and the Summary of Claimed Subject Matter section of the Appeal Brief are amended. These amendments are made in a good faith attempt to overcome the Notice of Non-Compliant Appeal Brief.

Once again, the Applicant respectfully requests the Examiner to contact the undersigned if any further clarifications are needed to the Appeal Brief. This is now the **FIFTH** response to a Notification of Non-Compliant Appeal Brief yet the Examiner continues to issue rejections for trivial issues. If the Examiner refuses to call the undersigned to discuss the rejections, the Examiner is respectfully requested to at least provide some detail in explanation

box 10 of the Notice. The last three Notification of Non-Compliant Appeal Brief failed to include any description in explanation box 10.

No fees are believed to be necessary. If, however, any fees are required the Commissioner is hereby authorized to charge any fees or credit any overpayments to our Deposit Account No. 02-3978.

Respectfully submitted,

Karl R. Kennedy et al.

By: /John R. Buser/
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Date: 03/25/2008

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,078	11/19/2003	Karl R. Kennedy	LEAR 03781 PUS / 03781	7015

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 02/25/2008

Due: 3-25-08

Please find below and/or attached an Office communication concerning this application or proceeding.

UPLOADED

2/28/08

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/717,078

Applicant(s)

KENNEDY ET AL.

Examiner

JACOB Y. CHOI

Art Unit

2885

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 29 November 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

/Jacob Y Choi/
Primary Examiner, Art Unit 2885